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1947. **File No.** Motor II/47

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Legal **DEPARTMENT**

B **BRANCH**

Subject:—

Rules and Notifications

under the Indian Motor

Vehicles Act; 1939.

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File No. Motor II-/47

Std. Sectt. Slip 24 B e.

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NOTIFICATION.

Home Department ,
Bombay Castle. 1947.

No. 1215/5 The following draft of a notification which it is proposed to issue under section 67 of the Motor / Vehicles Act, 1939(/IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the xpiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the said period will be considered by Government .

Draft Notification.

In exercise of the powers conferred by section 67 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules 1940, as follows, namely:-

1. In rule 55 of the said rules, after sub-rule (2) the following new sub-rule shall be inserted, namely:-

3.(i) Every stage carriage shall carry in it a complaint book in the form prescribed by the regional transport Authority for the purpose, in which passengers shall be entitled to record any legitimate complaints in connection with the stage carriage service.

(ii) Such complaints shall be written clearly and in an intelligible manner and the complainant shall also clearly and legibly record his full name and address in the complaint book.

(iii) The Manager of the stage-carriage service or the stage carriage permit holder, as the case may be, shall promptly look into every complaint recorded in the complaint book, shall remove the cause of the complaint or of its recurrence and submit within a week of the recording of the complaint an

explanation to the Regional Transport Authority which granted the permit. tog with a copy of the complaint stating the action taken by him ~~complainant~~ ~~in connection with the complaint the irregularity complained of~~ in connection with the complaint . A copy of the report shall be forwarded by the Manager of the stage carriage service or the stage carriage permit holder as the case may be , to the complainant .

"(iv) The complaint book shall be so securely kept in the state carriage as cannot be removed and shall at all times be made available to any passenger desiring to record a complaint. "

2. Sub-rule (15) of rule 85A of the sub-rules shall be deleted.

By order of the Governor of Bombay .

Secretary to Government

S.A.K.

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office of the R.L.A.

The Home Department draft notification at page 9 ante, as amended, is in order.

O.C Sd/-D.V.Vyas.

Remembrancer of Legal Affairs.

O.M. to H.D.No. 983, dated the 28th January 1947.

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In place of the proposed draft notifications at pag 27-Ylante, a revised consolidated draft notification is sent herewith.

O.C. Sd/ - D.V.Vyas .

Remembrancer of Legal Affairs.

U.O. to H.D.,No. 644, dated the 23rd January 1947.

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Notification.

Home Department.

Bombay Castle, January 1947.

Motor Vehicles Act, 1939

No. In exercise of the powers conferred by sub-section (2) of section 94 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to direct that the provisions of the said section shall not apply to the Vehicles specified in column 1 of the Schedule hereto appended owned by or on behalf of the local authorities respectively specified against them in column 2 thereof.

Schedule.

Vehicles 1.	Local Authorities 2.
Vehicles specified in clauses (a) and (b) of sub-section (2) of section 95 of the Act.	The Board of Trustees for the Port of Bombay.
Vehicles specified in clauses (a) and (b) of sub-section (2) of section 95 of the Act.	The Bombay Municipality

By order of the Governor of Bombay.

Secretary to Government.

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Neither the Provincial Transport Office nor the Home Department has appreciated the point raised in R.L.A's No. 6747, dated the 4th October 1946. It is true that the Committee is sought to be composed of five members; but it is not always that five members would be present to hear an appeal. There may therefore be an even as well as an uneven number of members present at the hearing. It is therefore necessary to provide for deciding an appeal in both the above contingencies.

On reconsideration, it appears that it is necessary to provide for a quorum.

2. A revised draft notification is sent herewith to secure the above objects.

O.C. Sd/- D.V.Vyas,
Remembrancer of Legal Affairs.

U.S. to H.D. No. 561 dated the 28th January 1947.

S.A.K.
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NOTIFICATION.
Home Department.
Bombay Castle. 1947.

Motor Vehicles Act, 1939.

No. 567/5.- The following draft of a notification which it is proposed to issue under sections 21 and 68 of the Motor Vehicles Act, 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department, from any person with respect to the said draft before the expiry of the said period will be considered by Government.

DRAFT NOTIFICATION.

In exercise of the powers conferred by sections 21 and 68 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules 1940, as follows, namely:-

In sub-rules (b) and (b) of rule 7 of the said rules, for the words beginning with "a committee" and ending with the words "in this behalf" the following shall be substituted, namely:-

"a Committee of such number of members of the Provincial Transport Authority not being less than two as may be appointed by the Chairman. Two members shall form a quorum. In case of disagreement between the members of the Committee, the appeal shall b decided according to the opinion of the Majority, and in case the members are equally divided, according to the opinion of the chairman or any of any other member nominated by him in this behalf".

2. In rule 76 of the said rules,-

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(a) for the words "a Committee of two members of the Provincial Transport Authority Appointed by the Chairman" the words "a Committee of such number of members of the Provincial Transport Authority not being less than two as may be appointed by the Chairman" shall be substituted, and

(b) for the words beginning with the words "In case of disagreement" and ending with the words "in this behalf" the following shall be substituted, namely:-

"In case of disagreement between the members of the Committee, the appeal shall be decided according to the opinion of the majority and in case the members are equally divided acording to the opinion of Chairman or of any other mamber nominated by him in this behalf.

By order of the Governor of Bombay,

Secretary to the Government of Bombay,
Home Department.

S.A.K.
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Office of the R.L.A.

With infinite respect to the Transport Department of the Government of India, I do not understand how section 67(1) confers power to make rules regarding appeals against orders of the Regional Transport Authority declining to issue a conductor's licence. The proposed cr cancelling a conductor's licence. The proposed notification is ultra vires section 67(1) of the Motor Vehicles Act, 1939. There is no reference in section 67(1) to any provisions regarding issue, suspension or cancellation of a conductor's licence. Section 68(2)(j) of the Act also cannot be utilized, since it comes into play only after the appl appeals have been specifically provided for elsewhere by a separate section. The only section specifically dealing with appeals against the orders of the Regional Transport e Authority declining to grant a conductor's licence or suspending or cancelling such licence. The proper course would be to move for amendment of section 64 of the Act. For the present, it is pointed out that the draft notification is not in order, being not within the scope of section 67(1) of the Act.

O.C. Sd/- D.V.Vyas.
Remembrancer of Legal Affairs.

U.O.N. to H.D.No. 2123, dated the 4th March 1947.

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Office of the R.L.A.

In place of the draft order at page 3, a revised draft th proof is sent herewith.

O.C. D.V.Vyas

Remembrancer of Legal Affairs.

U.O. to H.D. No. 3152, dated the 1st April 1947.

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Home Department.

Bombay Castle. 1947.

No. :- In exercise of the powers conferred by section 58A of the Motor Vehicles Act, 1939 (IV of 1939) in its application to the Province of Bombay, the Government of Bombay is pleased to grant direct the Provincial Transport Authority, Bombay to grant a stage carriage permit to the Ahmedabad Borough Municipality with effect from the 1947

By order of the Governor of Bombay

Secretary to Government.

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Home Department,

Bombay Castle, April 1947.

NOTIFICATION.

Motor Vehicles Act, 1939.

No. 1- In exercise of the powers conferred by the proviso to section 45 of the Motor Vehicles Act 1939 (IV of 1939), in its application to the Province of Bombay, the Government of Bombay is pleased to direct that applications for grant of stage carriage permits in the . . . . . region shall be made to the Provincial Transport Authority, Bombay.

By order of the Governor of Bombay

Secretary to Government.

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SECT I ACTION.
Home Department.
Bombay Castle. 1947.

Motor Vehicles Act, 1939.

No. 1066/5. The following draft of a notification which it is proposed to issue under section 68 of the Motor Vehicles Act 1939(IV of 1939) is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to said draft before the expiry of the aforesaid period will be considered by Government.

Draft Notification.

In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939. (IV of 1939), the Government of Bombay, is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

1. In rule 89 of the said rules, for sub-rule (3) the following sub-rule shall be substituted, namely:-

"(3) The fee for the issue of a badge as aforesaid shall be two rupees. If the badge is lost or destroyed a duplicate badge shall be issued by the authority by which it was issued on payment of four rupees. In case the original badge is later found, upon the return to the issuing authority of the duplicate badge, the driver shall be entitled to a refund of two rupees:

Provided that in the case of return of a duplicate badge issued before the 19th July 194., the amount of refund shall be one rupee"

2. In rule 90 of the said rules, for sub-rule (3)

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the following sub-rule shall be substituted, namely:-

"(3) The fee for the issue of a canductor's badge as aforesaid shall be two rupees. If the badge is lost or destroyed a duplicate badge shall be issued, by the authority which issued it, on payment of four rupees. In case the original badge is later found, upon the return to the issuing authority of the duplicate badge, the conductor shall be entitled to a refund of two rupees.

Provided that in the case of the return of a duplicate badge issued before the 19th July 1945 the amount of refund shall be one rupee."

By order of the Governor of Bombay,

Secretary to Government

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Office of the R.L.A.

The draft notification at pages 14-15 ante, as slightly amended, is in order.

Sd/- D.V.Vyas.

O.C. Remembrancer of Legal Affairs.

U.R. to H.D. No. 3'19, dated the 11th April 1947.

S.A.K.

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Office of the R.L.A.

The draft Notification at '7, as formally amended, is in order.

2. I think it necessary to add that the mere deletion of Rule 71 of the Bombay Motor Vehicle Rules, 1940, will not serve the immediate purpose. The substantive provision of section 59(1) still remains unaffected; and it is a matter for consideration whether the transport authority can refuse permission in the exercise of his discretion on the only ground that Government have banned transfers pending their decision on the nationalisation of road transport.

Sd. P.H.Lad
24.4

Q.C. Remembrancer of Legal Affairs.

U.O. to R.D.No. 4196, dated the 25th April 1947.

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NOTIFICATION.
Home Department.
Bombay Castle, 1947.

Motor Vehicles Act, 1939.

No. 472/5 The following draft of a notification which it is proposed to issue under section 68 of the Motor Vehicles Act, 1939 (IV of 1939), is published as requir d by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the ~~copy~~ said draft will be taken into consideration by the Governmentof Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department, from any person with respect to the said draft before the expiry of the said period will be considered by Government.

Draft Notification.

In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

Rule 71, of the said rules shall be deleted.

By order of the Governor of Bombay,

Secretary to the Government of Bombay.

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A revised draft notification is sent herewith. The following remarks are made:-

It is not necessary to re-number sub-rule (3) of rule 31 as (3A). The proposed sub-rules (3A) and (3C) have therefore been numbered as (3A) and (3B). It is presumed that under H.D. draft sub-rule (3B) of rule 31, H.D. intends that if the owner fails to produce his vehicle:on the dat fixed by the inspector or if the said date is changed, on the date so changed, but produces it on some other a later date, then only he shall be liable to pay, as penalty, an inspection fee for his failure to produce the vehicles, and second inspection fee for examining his vehicle on the day, on which he produces it for inspection. If he does not produce his vehicle , it is not understood how the inspection fee can be recovered, as proposed.

Sd/- ..M.Lad
26-5

C.C. Remembrancerof Legal Affairs.

Ref to H.D. No. 5391 dated 26th May 1947.

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Bombay Castle. May 1947.

NOTIFICATION.

Motor vehicles Act, 1939.

No. 1351/5:- The following draft of a notification which it is proposed to issue under section 41 of the Motor Vehicles Act, 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the aforesaid period will be considered by Government.

Draft Notification.

In exercise of the powers conferred by section 41 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

In rule 31 of the said Rules, -

(a) for sub-rule (2), the following shall be substituted, namely:-

"(2) An application for the grant or renewal of a certificate of fitness, shall be made in Form CFA or CFSA respectively to the said registering authority in whose jurisdiction the vehicle is normally kept or whose functional area includes the major portion of the route or area to which the permit relating to the vehicle extends'

(b) after sub-rule (3), the following shall be inserted, Namely:-

"(3A) If the owner finds that the vehicles cannot be produced for the next inspection on the date endorsed on the certificate of fitness he shall, not less than 15

days before the aforesaid date apply to the Regional Transport Officer for a change in the date of inspection stating the reasons for such a change.

(3B) If the owner fails to produce the vehicle on the date and time fixed under sub-rule (3) or sub-rule (3A), as the case may be, but produces the same on some latter date he shall be liable to pay the inspection fees twice over."

(c) for sub-rule (4), the following sub-rule sha be substituted, namely:-

"(4) Application for the renewal of a certificate of fitness shall be made in form CERA not less than one month before the date of expiry of the certificate, and the owner of the vehicle in respect of which such application is made, shall cause the vehicle to be produced for inspection on such date and at such time and place as the registering authority may appoint. Failure on the part of the owner to make an application on or before the date aforesaid will render him liable to pay the full fee prescribed under sub-rule (8) as if it were an application for a new certificate of fitness. ";

(d) in sub-rule (10), the words "unless the period of suspension is less than fourteen days" shall be deleted;

(e) for sub-rule (11), the following sub-rule shall be substituted, namely:-

"(11) Nothing in sub-rule (10) shall debar the owner or the person in charge of vehicle, the certificate of fitness of which has been cancelled or suspended, from applying at any time for the renewal of the certificate of fitness, if the vehicles has been repaired in such a manner that the provisions of Chapter V of the Act and of the rules made thereunder are complied with. If such a vehicle is inspected and passed within fourteen days of the date of suspension or cancellation of the certificate of fitness but before the date of expiry specified in such certificate, the certificate shall be restored to

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a all be charged. If, however, the vehicle is brought for inspection at any other time a fresh certificate of fitness will the required. Notwithstanding anything contained in sub-rules (4) and (6) the renewal fee in such a case shall be eight rupees exclusive of the usual fee of two rupees chargeable for inspection."

By order of the Governor of Bombay,

Secretary to Government.

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Office of the R.L.A.

In place of the Home Department draft notification at pages 7-8 ante, a revised draft thereof is sent herewith. The Home Department should verify whether it meets with its requirements.

Sd/- D.V.Iyan

C.C. Remembrancer of Legal Affairs.

U.O. to H.D.No. 3486, dated the 10th April 19-7.

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NOTIFICATION.
Home Department.
Bombay Castle. 1947

Motor Vehicles Act, 1939.

No. 4838/4-V :- The following draft of a notification which it is proposed to issue under sections 21 and 68 of the Motor Vehicles Act, 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay, Home Department, from any person with respect to the said draft before the expiry of the aforesaid period will be considered by Government.

Draft Notification.

No. In exercise of the powers conferred by sections 21 and 68 of the Motor Vehicles act, 1939, (IV of 1939) , the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

1. In rule 2 of the said rules, after clause (e), the following new clause shall be inserted, namely:-

"(11) "Supervisor of Motor Vehicles" means any officer appointed as such by the Provincial Government".

2. In rule 100 of the said rules-

(a) in sub-rules (1) and (3)

(i) forwords "any Inspector" the words "or any Supervisor or Inspector " shall be substituted, and

(ii) after the words "Police officer" where they occur for the second time the words "or Supervisor or" shall be inserted; and

S.A.K.
16-5
4 copies

(b) in sub-rule (2) after the words "police officer" wherever they occur, the words "or Supervisor" shall be inserted.

3. In rule 211 of the said rules-

(i) for the words "an Inspector" the words "a Supervisor or an Inspector" shall be substituted; and

(ii) after the words "Regional Transport officer" where they occur for the second time the words "or Supervisor" shall be substituted.

By order of the Governor of Bombay,

Secretary to Government.

S.A.K.
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Office of the E.L.A.

The draft notification at page 19, as formally amended, is in order.

Sol. F.M.Lad
2-6

O.C. Remembrancer of Legal Affairs.

U.D. to S.D. No. 5776, dated the 3rd June 1947.

S.A.E.
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Home Department.
Bombay Castle. 1947.

Motor Vehicles Act, 1939.

No. 1635/5. The following draft of a notification which it proposed to issue under section 68 of the Motor Vehicles Act, 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the aforesaid period will be considered by Government

DRAFT NOTIFICATION.

In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

In sub-rule (4) of rule 93 of the said Rules, after the words "order of Government" the following words shall be inserted, namely:-

"or by an order in writing issued by the Provincial Transport Officer to meet any specific occasion of an essential and urgent nature".

By order of the Governor of Bombay,

Secretary to Government.

S.A.K.

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Motor Vehicles Act, 1939.

No. 9746/4 The following draft of a notification is proposed to be published under section 7 of the Motor Vehicles Act, 1939 (IV of 1939), as published as required by sub-section (1) of section 43 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the aforesaid period will be considered by Government.

Draft notification.

In exercise of the powers conferred by section 7 of the Motor Vehicles Act, 1939, (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

After rule 263 of the said Rules, the following rule shall be inserted, namely:-

"263A-Prohibition of attachment of trailers to certain vehicles. No motor vehicle which exceeds 26 feet in length shall draw a trailer:-

Provided that (a) this rule shall not apply to any disabled motor vehicle being towed in consequence of disablement and (b) the Provincial Government may, by a notification in the official Gazette exempt any such motor vehicle from the operation of this rule."

By order of the Governor of Bombay,

Deputy Secretary to Government.

M.A.K.
10-5
4 copies

Office of the A.D.A.

The draft notification at pg. 8 57-59 ante, as finally amended is in order.

Sd/- A.N.Lad
2/6

C.O. Encumbrancer of Legal Affairs.

N.B. to A.D.No. 577, dated the 3rd June 1947.

S.A.A.
10-3
4 copies

A revised draft of the proposed notification is sent herewith with the following remarks:-

The proposed rule would come under section 70(2) of the Motor Vehicles Act, 1939 (IV of 1939). Under section 44(2) of the said Act, the registering authority shall issue to the owner of a motor vehicle registered by it a certificate of Registration in Form "G" as set forth in the first schedule. There is no provision in the form for entering therein a condition regarding the specification of routes, and the form may have to be amended before such condition can be inserted. It may perhaps be more appropriate to enter such condition in the permits granted under Chapter IV and the rules in respect of transport vehicles. However, there would be this difficulty that in respect of some classes of transport vehicles, neither in the application form nor in the permit is any provision made for inserting a condition regarding routes, as for example, private carriers (see Form 5, Sr. C.). It is, therefore, a matter for consideration whether the condition regarding routes should be inserted in the permit or in the Registration Certificate.

Sd/- [illegible].M.Lad
29-5

C.C. Remembrancer of Legal Affairs.

C.R. to [illegible] No. 9113, dated 30th May 1947.

[illegible].C.R.
1-6-47
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NOTIFICATION.
Home Department.
Bombay Castle. 1947

Motor Vehicles Act. 1939.

No. 1468/5 :- The following draft of a notification which it is proposed to issue under section 70 of the Motor Vehicles Act. 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the aforesaid period will be considered by Government.

Draft Notification

In exercise of the powers conferred by section 70 of the Motor Vehicles Act. 1939(IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules. 1940. as follows. namely:-

Rule 120 of the said Rules. shall be numbered as sub-rule (1) of that rule and to the said rule as so renumbered and before the Explanation the following new sub-rule shall be added. namely:-

"(2) Notwithstanding anything contained in sub-rule (1). the Regional Transport Authority may authorise the use of a transport Vehicles obtained through the disposals organisation of the central Government and having an overall width exceeding 7 feet and 6 inches feet inches but not exceeding 8 feet and 1 inch on a specified route or

G.A.S.
12-5
4 copies

r utes, or in a specified area, within the province. Where a Regional Transport Authority xx takes action under this sub-rule it shall enter in the Certificate of Registration of the vehicle particulars of the route or routes on which, or the area in which, the vehicle may be used."

By order of the Governor of Bombay,

Secretary to Government.

S.A.K.
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Office of the M.L.A.

Clause 1 of the revised draft notification

at pages 43-44 :- In his note at p. 53 the P.T.A. suggests the following definition of "private service vehicle" in place of the definition in clause 1 of the revised draft notification. "A private service vehicle" means a motor vehicle designed or adapted for the conveyance of more than nine persons excluding the driver but not used for hire or reward". This definition would cover motor vehicles used by a person for the conveyance of himself and his friends or the members of his family, but in view of the P.T.A.dm's letter of 30-10-41 at p. 1. ante this seems to be hardly the intention. From the P.T.A.'s said letter, it appears that the intention is to have control over motor vehicles used for the carriage of persons employed by him in connection with a trade or business carried on by him. H.D' should therefore consider whether the following definition will not meet with its requirements

> ' "private service vehicle" means any motor vehicle constructed or adapted to carry more than nine persons excluding the driver and ordinarily used for the purpose of carrying persons for or in connection with agriculture, trade or business.'

2. Clause 2 of the revised draft:- The P.T.A. suggests a new sub-rule in place of sub-rule (2) of new rule 48A in the revised draft notification at p. 47 ante. According to the new sub-rule suggested by the P.T.A. a permit issued under sub-rule (1) of rule 48A shall not be deemed to be valid unless the vehicle carries a valid certificate of fitness in the prescribed form issued by an Inspector of Motor Vehicles or a Supervising Inspector of Motor Vehicles. A motor vehicle to which the provisions of sub-section (1) of section 42 are applied does not become a transport vehicle within the meaning

of the Act and therefore any provision which in effect makes it compulsory for such a motor vehicle to carry a certificate of fitness would, it seems, be ultra vires of the Act. The new sub-rule suggested by the P.T.A. is therefore out of order. Existing sub-rule (2) in the revised draft should also be omitted. Similarly new rule 18(-) which refers to the certificate of fitness issued in respect of the vehicle would be out of orde

3. Clause 3 of the revised draft:- I is not necessary to have a separate set of rule for private service vehicles but there is no objection to amending rule 49 as propose by the P.T.A.

4. Clauses 4 and 5 of the revised draft:- There is no objection to naming the permit form as suggested by the P.T.A. The verbal amendments proposed by him may be accepted.

5. Clause of the revised draft:- There is no objection to amending rule 100 as proposed by the P. .A.

6. Clause 8 and 9 of the revised draft:- There is no objection to renaming the forms as suggested by the .T.A. The amendments suggested b- h m may be accepted.

7. It would appear from the P.T.A 's note date 3-10-46 at pp. 53-54 ante and his subsequent note dated 20-11-46 at p. 60 that the intention is that the private service vehicle should be required to take out both a permit and a certificate of fitness so that such vehicles may be subjected to the same supervision and requirements as a transport vehicle.

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As shown in para graph above this intention cannot be accomplished by the proposed rules. Before issuing the proposed rules H.D. may consider whether the object in view cannot be achieved by an addition of a provision in the Motor Vehicles Act on the lines of sub-section (3) of section 61 of the English Act, namely, the Road Traffic Act, 1930 (20 & 21 Geo. 5 ch. 43) deleting the exception therein. The relevant section is quoted below:-

> "(3) Where a person uses or allows to be used without reward for carrying eight or more persons as passengers any motor vehicle ordinarily used for the purposes of agriculture, trade or business, then, except where the persons so carried are work people being carried in the course of or to or from their employment, the vehicle shall for the purposes of this part of this Act be treated as if it was a contract carriage, and the provisions of this part of this Act and the regulations made thereunder shall apply accordingly."

Sd/- P.N.Lal
15
L.C. Examiner of Legal Affs

U.O. to H.D.No. 5357 dated the 4th June 1947.

S.A.K.
16-5

Office of the F.A.A.

In place of the draft notification at page 61. a revised draft thereof is sent herewith.

Sd/- S.N.Das

6-6
C.C. Remembrancer of Legal Affairs.

U.O. to F.E.No. 5331 dated the 6th June 1917.

S.A.E.
16-9
4 copies

NOTIFICATION.

Home Department.

Bombay Castle, June 1947.

Motor Vehicles Act, 1939.

No. 629/9. The following draft of a notification which it is proposed to issue under section 21 of the Motor Vehicles Act, 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the aforesaid period will be considered by Government.

Draft Notification.

In exercise of the powers conferred by section 21 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

In the Note to section II in Form L.L.R. A. appended to the said rules, for the words, brackets and letters "questions (b) and (c)" the words, brackets and letters" questions (b) and (d)" shall be substituted.

By order of the Governor of Bombay.

Secretary to Government.

G.A.A.
1-5
4 copies

NOTIFICATION.

Home Department.
Bombay Castle, 1947.

Motor Vehicles Act 1939.

No. 1946/51- The following draft of a notification which it is proposed to issue under section 67 of the Motor Vehicles Act, 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the aforesaid period will be considered by Government.

Draft Notification.

In exercise of the powers conferred by section 67 of the Motor Vehicles Act 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

I. In rule 53 of the said rules, -

(1) after clause (ix), the following new clause shall be inserted, namely:-

"(ix-A) shall not allow any person to be carried in any public service vehicle without payment of the legal fare:-

Provided that this clause shall not apply to any Government servant or class of Government as may from time to time by notification in the Official Gazette specify in this behalf".

II. After rule 53 of the said rules, the following new rule shall be inserted namely:-

"53-A Conductors of public Service Vehicles to issue

The conductor of a public service Vehicle shall issue such ticket immediately on payment of the legal fare by the Passenger :-

By order of the Governor of Bombay .

Secretary to Government.

S.A. .
16-5
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Cf. ce of the R.L.A.

In lace of the proposed draft notification at pages 14-15 ante, a revised draft thereof which is intra vires section 67 and not section 68 of the Motor Vehicles Act, 1939 (IV of 1939) is sent herewith. The following remarks are made merely:-

The proposed clause (X) to rule 83 is numbered (ix A) in the revised draft notification in order to avoid re-numbering of other clauses, and the proposed clause ~~(ix)~~ (Xi) has been inserted as new rule '83A' because rule 83 deals with the duties of the driver and the conductor of a public service vehicle whereas new rule 83A prescribes the duties of the conductor of a public service vehicles.

Sd/- [illegible]
7-6-47

C.J. Remembrancer of Legal Affairs.

U.O. to H.D. No. 5056, dated the 7th June 1947.

S.I.X.
16-5
4 copies

Draft Notification I :- The R.D. view is correct. The draft notification as slightly amended is in order.

Draft Notification III.- sub-section (3) of section 133A of the Motor Vehicles Act, 1939, (IV of 1939), empowers the provincial Government to make rules to regulate inter alia, the powers to be exercised by officers of the Motor Vehicles Department. Section 133 prescribes the manner of publication etc. of rules made under the Act. Under sub-section (1) of that section every power to make rules given by the Act is subject to the condition of the rules being made after previous publication. Under sub-section (2) all rules are required to be published in the Official Gazette. Under sub-section (3) they are required to be laid before the Provincial Marathi Legislature. The rules made under section 133A will also be subject to section 133 and will have to be published for inviting objections and suggestions. The rules contemplated by this draft notification will therefore to find place in the Bombay Motor Vehicles Rules, 1940. The proper place appears to be at the end of the said rules (viz. after rule 211). The substance of the said notification has been incorporated as clause 6 of R.D. draft notification marked IV.

Draft Notification IV:- As amended is in order subject to the following remarks:-

Sub-rule 102A(6):- In view of the R.T.O's remarks that it is essential to prescribe the minimum age in the Agent's license the sub-rule has been amended on the lines of rule 66(6) of the Motor Vehicles Rules.

Sub-rule 102A (13):- No separate rule is necessary for the issue of a duplicate badge if the original badge is lost

or destroyed as suggested by R.T. .. The requisite provision has been made on the lines of rule 90(3) in this rule. R.D. may consider whether any refund should be made if the original or duplicate badge is returned to the issuing authorit-y.

Sub-rule 102(14),(15) and (16). As has been pointed out by the R.L.A. in his opinions — Nos. 3851, dated 23rd May 1946 and 2123, dated 4th March 1947, unless the statute itself substantively provides for appeals, it would not be right to introduce such power of appeal through a rule making section. In their letter No. 26 TP (12)/46, dated 6th May 1947 in the Department of Transport, the Government of India have agreed to promote the necessary amendment to the Motor Vehicles Act, 1939, for the purpose of providing appeals against the orders of R.T.As declining to issue or suspending or cancelling a conductor's licence. The case of agents is on all fours with that of the conductors, and the need for providing appeals against the refusal, suspension or cancellation of agents' licenses may also be brought to the notice of the Government of India.

Sd/- P.M.Lad
7-6

O.C. Memorandum of Legal Affairs.

U.O. to M.T. No. 5995, dated the 9th June 1947.

S.A.R.
16-5
4 copies

Motor vehicles Act, 1939.

MAHARASHTRA.
Home Department.
Bombay Castle. 1947.

No. In exercise of the powers conferred by sub-section (4) of section 75 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to empower the Commissioner of Police, Bombay, for the purposes of the said sub-sec (4) of section 75.

No. In exercise of the powers conferred by section 129A of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to authorise the following police officers and other persons within their respective jurisdictions for the purposes of the said section 129A, namely:-

1. Police officers in charge of police stations and other police officers not below the rank of a Sergeant or sub-inspector.
2. The Provincial Transport Officer.
3. The Deputy Provincial Motor Transport controller
4. The Regional Transport Officers.
5. Superintendent, Motor Vehicles Department in uniform
6. Inspectors of Motor Vehicles in uniform
7. Assistant Inspectors of Motor Vehicles in uniform

No.- In exercise of the powers conferred by sub-section (3) of section 133A of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to make the following rule, namely:-

The officers of the Motor Vehicles Department specified in column 1 below shall exercise the powers under the provisions of the sections of the Act specified opposite to them in column 2 below.

S.A.H.
16-5
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~~SCHEDULE~~

I

Officers.	Sections.
The Provincial Transport Officer: The Deputy Provincial Motor Transport Controller. The Regional Transport officers; Supervisor, Inspectors and Assistant Inspectors of Motor Vehicles in uniform.	86(1) 87(1) 88 89(b)
The Provincial Transport Officer. The Deputy Provincial Motor Transport controller The Regional Transport Officers; Supervisors, and Inspectors of Motor Vehicles in uniform;	128
The Provincial Transport Officer The Deputy Provincial Motor Transport controller The Regional Transport officers; Supervisors, Inspectors and Assistant Inspectors of Motor Vehicles in uniform.;	129(2)

S.A. below

A/ The Provincial Transport officer
The Deputy Provincial Motor Transport Controller,
the regional Transport officers.
The ~~Las~~ Supervisers, Inspectors and Assistant Inspectors of Motor vehicles in uniform. /A } (106(1))

S.A.K.
16-5
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NOTIFICATION
Home Department.
Bombay Castle. 1947

Motor Vehicles Act, 1939 (IV of 1939)

No. - The following draft of a notification which it is proposed to make under section 1, 41, 65 and 133A of the Motor Vehicles Act, 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft within the aforesaid period will be considered by Government.

Draft Notification.

In exercise of the powers conferred by sections 21, 41 and 65 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

1. In sub-rule (1) of rule 8 of the said rules,

(a) the words "one copy of which shall bear the court fee of two rupees" shall be deleted; and

(b) after the words "accompanied by" the words "a fee of two rupees in cash and" shall be inserted.

2. For sub-rule (1) of rule 25 of the said rules the following shall be substituted, namely:-

"(1) An appeal under rule 85 shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objections to the order of the registering authority or the Inspector of Motor Vehicles, as the case may be, and shall be accompanied by a fee of five rupees in cash and a certified copy of that order. The Provincial Transport officer, Bombay, or the

Regional Transport Officer, concerned, as the case may be, may, if the appeal succeeds, refund the fee in whole or in part, as he thinks fit."

3. In rule 44 of the said rules, for the words "road making plant" the words "vehicles designed and used solely for the construction, repair and cleansingof roads" shall be substituted.

4. In rule 76 of the said rules, -

(a) after the words "accompanied by" the words " a fee of fifteen rupees in cash and "shall be inserted; and

(b) the following shall be added at the end, namely:-

"The committee may, if the appeal succeeds, refund the fee in whole or in part as it thinks fit."

5. After rule 102 of the said rules, the following new rule shall be inserted, namely:-

"102A. Licensing of and regulation of conduct of agents for the sale of tickets for travel by public service vehicles:-

(1) Every owner of a public service vehicle to be let or plied for hire shall intimate to the Regional Transport Authority concerned the name and address of the person p appointed on his beHalf as the agent who has been en aged in the sale of tickets to passengers for travel by such vehicle.

(2) No person shall act as an an agent of the owner of such public service vehicle and no owner shall so employ any person unless he holds an agent's license in Form L.Ag. granted by the Regional Transport Authority concerned.

(3) An agent's license shall be valid for a period of twelve months from the date of is ue or renewal and shall be effective only in the Region wherein it is issued or renewd.

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(4) No person under the age of 18 years shall hold an agents license.

(5) Application for an agent's license shall be made in writing to the Regional Transport Authority of the Region wherein the applicant resides, sh in Form L.Ag. A and shall be accompanied by two clear copies of a resent photograph of the applicant and by the prescribed fee

(6) The fee for an agent's license shall be ten rupees and the fee for its renewal or for the issue of a duplicate shall be five rupees.

(7) An application for the renewal of an agents license shall be made by let-ter enclosing the license accompanied by the prescribed fee, addressed to the Regional Transport Authority by which the a-ent's license was issued.

(8) The Regional Transport Authority may, for reasons to be 89 recorded, in writing, decline to issue or renew an agent's license.

(9) (i) The Regional Transport Authority may, for reasons to be recorded in writing, supend or cancel an agent's license.

(ii) On an agents license being suspended, cancelled or not renewed, it shall be surrendered forthwith to the Regional Transport Authority which issued the license.

(10) An agent shall, on demand by any police officer in uniform not below the rank of a Sergeant of sub-Inspector or a Supervisor or an Inspector or Assistant Inspector of Motor Vehicles in uniform, produce his agent's li-cense for inspectio.

(11) No person shall hold more than one Agent's license effective in the same region.

(12) The Regional Transport Authority may specify that the agent's shall wear a uniform of the type approved by such authority.

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4 copies

(13) The agent shall, when on duty, wear in a conspicuous place on his left breast a metal badge issued by the Regional Transport Authority on payment of a fee of Rs.2/-. No agent shall lend or transfer the badge to any other person and he shall surrender it to the Regional Transport Authority in the event of his license being suspended, cancelled or not renewed. If the badge is lost or destroyed a duplicate badge shall be issued by the authority by which issued it on payment of the same.

(14) Any person aggrieved by the refusal of the Regional Transport Authority to grant or to renew an Agent's license or by the suspension or cancellation of the Agent's license, may within 30 days of the communication to him of the order of the refusal, suspension or cancellation, appeal to the Provincial Transport Authority.

(15) An appeal under sub-rule (14) shall be preferred in duplicate in the form of a Memorandum setting-forth concisely the grounds of objections to the order of the Regional Transport Authority and should be accompanied by a fee of Rs. 2/- in cash and a certified copy of that order."

(16) The Appellate Authority after giving an opportunity to the appellant of being heard and after such further enquiry if any as may be deemed necessary, may concur with, vary or set aside the order from which the appeal is preferred and shall make an order accordingly.

6. In the After rule 211 of the said rules, the following new heading and rule shall be inserted, namely:-

"Chapter VI Miscellaneous

212 (Here insert X-X on pp. 207 -208 ante)".

In the Forms appended to the said rules, the following new Forms shall be added, namely:-

Form L.Ag. .
(see rule 102A)

(See Rule 102A)

FORM OF APPLICATION FOR AN AGENT'S LICENSE.

Name ----------

Name of Father----------

Present Address----------

Permanent Address----------

I have not previously held an agent's license
have previously held an agent's license

issued by ---------- and that it

was ~~not~~ ~~suspended~~.
was not ~~cancelled~~
~~renewed~~.

I hereby declare that I am not less than 18 years of age and that the above statements are true. I attach two copies of a recent photograph of myself.

Signature or Thumb impression of applicant.

Date.

Form L.Ag.
(See rule 102A)

Agent's License.

Name ----------

Son of ----------

of (Present address)----------

(Permanent address)----------

PHOTOGRAPH

Duplicate signature or thumb impression of applicant from Form L.Ag. A

Is licensed as an agent for (a) ----------

at / on (b)----------

and has been issued an agent's badge No. ----------

Note : (a) Name of the service. (b) Place or route.

Date.

Secretary.
Regional Transport Authority.

By order of the Governor of Bombay.

Secretary to the Government of Bomb
Home Department.

S.A.K.
17-5
4 copies

The proposal of the Home Department to issue one combined notification under the Motor Vehicles Act, 1939, and the Bombay Motor Vehicles Tax Act, 1935, is not suitable. Two separate draft notifications under each of the Acts are therefore sent herewith subject to the following remarks.

Amendment of rule 70 of the Motor Vehicles Rules, 1940 : Under sub-section (1) of section 42 of the Motor Vehicles Act, 1939, no owner of a transport vehicle shall use or permit the use of the vehicle in any public place, save in accordance with a permit granted or countersigned by a Regional or Provincial Transport Authority. Sub-section (1) of section 60 empowers the transport authority who granted a permit to cancel or suspend the same for such period as it thinks fit in any of the circumstances specified in that subsection. When a permit is suspended in exercise of this power for some time, there is in existence no valid permit which can authorise the use of the vehicle in any public place and consequently whoever drives any such vehicle or causes or allows the vehicle to be used or lets out the same for use incurs the penalty prescribed by section 123(1) of the Motor Vehicles Act, 1939. The requirement proposed to be inserted in rule 70(4) that the holder of the permit shall not remove the vehicle without the permission of the R.T.A. appears therefore to be superfluous. Moreover it is doubtful whether the R.T.A. can also grant any such prior permission so long as the order of suspension is not cancelled. Sub-section (2) of section 123 goes still further and provides that the penalty prescribed by that section shall not be incurred if such a vehicle is used in an emergency for the conveyance of persons suffering from sickness or injury or for the transport of materials for repairs or of food or materials to relieve distress or of medical supplies for like purposes provided that the person so using the vehicle makes a report to the R.T.A.

S.A.K.
17-5
4 copies

ithin 7 days. The prohibition on removal proposed to be nserted by the Home Department in rule 70 is as stated bove therefore not only superfluous but repugnant to the oncessions granted by sub-section (2) of section 123. That ortion has therefore been omitted from the draft notification nder the Motor Vehicles Act 1939.

Amendment of rule 26 of the Bombay Motor Vehicles Tax ules, 1940: Sub-section (1) of section 10 of the Motor ehicles Tax Act, 1935, provides a penalty for possession or ontrol of any motor vehicles used or kept for use without he payment of the tax. No useful purpose would therefore be erved by requiring the owner not paying the tax not to remove t from the place where it shall be garaged. As in the case f the notification under the Motor Vehicles Act, 1939, the aid part of the amendment has been omitted from the second raft notification now sent herewith.

Sd/- P.M.Lad
16-6
O.O. Remembrancer of Legal Affairs.

U.R . to H.D.No. 6250, dated the 17th June 1947.

S.A.K.
17-5
4 copies

NOTIFICATION.
Home Department

Bombay Castle, 1947.

Motor Vehicles Act 1939.

No. :- The following draft of a notification which it is proposed to issue under section 68 of the Motor Vehicles Act, 1939 (IV of 1939) is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the aforesaid period will be considered by Government:-

Draft Notification :

No. :- In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

After sub-rule (3) of rule 70 of the said Rules, the following new sub-rule shall be inserted namely:-

"(4) The holder of the permit shall, if so required by the Regional Transport Authority, intimate to it within 24 hours of the receipt of a suspension order, the place where the vehicle in respect of which the order is passed will be kept during the period of suspension."

By order of the Governor of Bombay,

Secretary to Government.

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mbay Motor Vehicles
x Act 1939.

NOTIFICATION.
Home Department.

Bombay Castle, 1947.

No. The following draft of a notification which it is proposed to issue under section 20 of the Bombay Motor Vehicles Tax Act, 1939 (Bom. XXXIV of 1939), is published as required by sub-section (1) of the said section 20, for the information of all persons likely to be affected thereby, the notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the afore-said period will be considered by Government.

Draft Notification.

No. In exercise of the powers conferred by section 20 of the Bombay Motor Vehicles Tax Act, 1939 (Bom XXXIV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Tax Rules, 1940, as follows, namely:-

2. To rule 36 of the said Rules, the following proviso shall be added namely:-

"Provided that in case the owner intimates the registering authority that the vehicle shall not be used after the expiry of the period for which the tax has been paid, he

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hall notify the place where the vehicles will

e kept."

By order of the Governor of Bombay.

Secretary to Government.

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Office of the R.L.A.

The draft notification at page 33 ante. as slightly amended, is in order.

d/- D.V.Vyas

Remembrancer of Legal Affairs.

U.R. to H.D.No. 7306. dated the 16th July 1947.

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NOTIFICATION.
Home Department.
Bombay Castle, 194?.

Motor Vehicles Act, 1939.

No. 5641/4. :- The following draft of a notification which it is proposed to issue under section 105 of the Motor Vehicles Act, 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objection or suggestions which may be received by the Secretary to the Government of Bombay, Home Department, from any person with respect to the said draft before the expiry of the aforesaid period will be considered by Government.

Draft Notification:

In exercise of the powers conferred by section 105 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles (Third Party Insurance) Rules, 1946, as follows, namely:-

For rule 4 of the said rules the following shall be substituted:- namely:-

"4. Authority to whom of insurer shall notify cancellation suspension of policy:- An insurer required under section 105 of the Act to notify the cancellation or suspension of a policy of insurance shall notify such cancellation or suspension to the registering authority having jurisdiction where the owner of the vehicle covered by the policy of insurance normally resides or has his place of business."

By order of the Governor of Bombay,

Secretary to Government.

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Office of the R.L.A.

Attention is invited to R.L.A.'s opinion No. 52-L dated the 17th June 1946 and inparticular to paragraph 3 thereof. There would be no objection to making a rule prohibiting any person or class of persons from using or entering a motor stand if it is in the public interest. It would not, therefore, be necessary to delete condition (12) (iv) of the license form. As already suggested the condition may be suitably redrafted.

Sd/- D.V.Vyas

O.C. Remembrancer of Legal Affairs.

U.R. to R.D.No. 7539 , dated the 21th July 1947 .

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Office of the H.L.A.

The draft notification at page 5 ante as amended is in order.

The Home Department should consider if a similar amendment should be carried out in sub-rule (1) of rule 97.

Sd/- D. Eyas.

C.O. Remembrancer of Legal Affairs.

Encl. to H.D.No. 7951, dated 1st August 1947.

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NOTIFICATION.
Home Department
Bombay Castle, 1947.

Motor Vehicles Act, 1939

No. 2542/5 The following draft of a notification which it is proposed to issue under section 68 of the Motor Vehicles Act, 1939 (IV of 1939), is published as required sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the aforesaid period will be considered by Government.

Draft notification.

In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939, (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

Sub-rule (2) of rule 97 of the said rules, for the words "seven days" the words "twelve hours" and for the words "three days," the words "twenty four hours" shall respectively be substituted.

By order of the Governor of Bombay,
Secretary to the Government.

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The draft notification at pages 39-41 ante, as slightly amended, is in order. E.D. may consider whether it would not be more convenient to all concerned that the complaint box should be kept at stands and termini rather than in the vehicles. That would meet the criticism made by the Manager, B.E.S.T. Company (see page 43).

Sd/- P.N.Lad

28-8

O.S. Memorandum of Legal Affairs.

U.O. to E.D. No. 5784, dated the 29th August 1947.

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NOTIFICATION.

Home Department.
Bombay Castle, 1947

Motor Vehicles Act, 1939

No. 1215/5. The following draft of a notification which it is proposed to issue under sections 67 and 68 of the Motor Vehicles Act, 1939 (IV of 1939) ; is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the said period will be considered by Government.

Draft Notification.

In exercise of the powers conferred by sections 67A & 68 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

(1) In rule 85 of the said rules, after sub-rule (2), the following new sub-rule shall be inserted, namely:-

(3)(i) Every stage carriage shall carry in it a complaint book in the form prescribed by the Regional Transport Authority for the purpose, in which passengers shall be entitled to record any legitimate complaints in connection with the stage carriage service.

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(ii) Such complaints shall be written clear and in an intelligible manner and the complainant shall also clearly and legibly record his full name and address in the complaint book.

(iii) The Manager of the stage carriage service or the stage carriage permit holder, as the case may be, shall promptly look into every complaint recorded in the complaint book, remove the cause of the complaint or of its recurrence and submit within a week of the recording of the complaint an explanation to the Regional Transport Authority which granted the permit, together with a copy of the complaint stating the action taken by him in connection with the complaint. A copy of the report shall be forwarded by the Manager of the state carriage service or the stage carriage permit holder, as the case may be, to the complainant.

(iv) The complaint book shall be so securely kept in the stage carriage as cannot be removed and shall at all times be made available to any passenger desiring to record a complaint or to any officer of the Motor Vehicles Department not below the rank of Assistant Inspector for purposes of inspection.

2) Sub-rule (15) of rule 85-A of the said rules shall be deleted.

By order of the Governor of Bombay.

Secretary to Government.

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Notification.

Home Department
Bombay Castle, 1947

Motor Vehicles Act. 1939.

No. 5310/4-LL:- The following draft of a notification which it is proposed to issue under sections 41 and 70 of the Motor Vehicles Act, 1939(IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of a period of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the aforesaid period will be considered by Government.

DRAFT NOTIFICATION.

In exercise of the powers conferred by sections 41 and 70 of the Motor Vehicles Act, 1939(IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

(i) In the said rules sub-rule (1) of rules 185-A and 185-B after the words "Director" the words "or the Provincial Transport Officer, Bombay," shall be inserted ; and

(ii) In sub-rules (2)(3) and (4) of rule 185-F for the words "Director or an officer appointed by him" wherever they occur the words "Director or the Provincial Transport Officer, Bombay, or an officer appointed by either of them" shall be substituted.

By order of the Governor of Bombay,

Secretary Government.

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The draft notification at p. 33 ante as formally amended is in order.

sd/- S.D.Telekar.

O.S. for Remembrancer of Legal Affairs.

U.O. to H.D.No. 9368, dated the 29th September 1947.

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Office of the R.L.A.

Attention is invited to R.L.A.'s opinion No. 6123, dated 13th June 1947. As suggested in that opinion it would be necessary to specify the particular circumstances in which it is desired to exclude any particular motor vehicles from the operation of rule 115(3) of the Bombay Motor Vehicles Rules, 1940. Such circumstances will have however to be specified in the rule itself and cannot be left to be determined by Government later on by the issue of a notification as proposed by H.D. in the draft notification at p. 25 ante. A revised draft notification limiting the exemption to the wagons of the Port Trust when driven on the Port Trust Roads or in the dock areas is accordingly sent herewith.

2. From the H.D/ note at pages 15-16 ante it appears that the intention is to exclude also the motor vehicles belonging to the G.I.P. Railway and the Mazagaon Dock Ltd. Before such vehicles are exempted from the operation of the rule it will be necessary for H.D. to specify the circumstances in which such exemption is sought to be given.

Sd. P.M.Lad
8-10

O.O. Remembrancer of Legal Affairs.

U.O. to H.D. No. 9,17 , dated the 10th October 1947.

R.A.E.
17-5

Motor vehicles Act, 1939.

NOTIFICATION.
Home Department.
Bombay Castle, October 1947

No. 1261/5 -The following draft of a notification which it is proposed to issue under section 70 of the Motor Vehicles Act, 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft within the aforesaid period will be considered by Government.-

Draft Notification.

In exercise of the powers conferred by section 70 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

To sub-rule (3) of rule 115 of the said rules, the following proviso shall be added, namely:-

Provided that this sub-rule shall not apply to wagons belonging to the Bombay Port Trust when driven on the Bombay Port Trust roads or in the dock areas within the limits of the Port of Bombay

By order of the Governor of Bombay,

Secretary to Government.

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NOTIFICATION.

M.V.Act.1939 (IV of 1939)

The following draft of a notification which it is proposed to issue under sections 68,70 and 91 of the Motor Vehicles Act, 1939(IV of 1939), is published as required by sub-section (1) of section 131 of the said Act for the information ~~of the~~ all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Govt. Gazette.

2. Any objections or suggestions which may be received by the Secy. to the Govt. of Bombay in the Home Deptt. from any person with respect to the said draft within the aforesaid period will be considered by Govt.

Draft Notification.

In exercise of the powers conferred by sections 68, 70 and 91 of the M.V.Act, 1939, (IV of 1939) , the Govt. of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follow , namely:-

I. For rule 93(2) of the said rules, the following shall be substituted, namely:

93(2): Not more than one person shall be carried in the front seat of any stage carriage or GOODS VEHICLE* BY THE SIDE OF THE DRIVER SUBJECT to the condition that a separate seat is provided for such passenger and not more than six persons in addition to the driver shall be carried in any goods vehicle.*

II Clause (iii) of sub-rule (2) of rule 136

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of the said rules shall be deleted.

III. In rule 136 of the said rules:-

(a) the following new sub-rule shall be inserted as sub-rule (5), namely:-

136(5) "No public service vehicle shall be so constructed that more than one person can be accomodated in the front seat by the side of the driver",

(b) the existing sub-rule 5 shall be re-numbered as sub-rule (6).

In rule 136 of the said rules after numbered sub-rule (6) the following new sub-rules shall be be added, namely:-

(6) The Provincial Transport Authority may, by order in writing, direct that until the first day of ~~June~~ January 1949, nothing in this rule in regard to and consequent upon the provision requiring that the vehicle shall be driven from the right hand side shall apply to a public service vehicle or a specified class of public service service vehicles fitted with left hand steering control and obtained through the Disposals Organisation of the Central Government.

(7) where a Registering Authority registers a public service vehicle in respect of which, or belonging to a class in respect of which an order under sub-rule (5) has been made, he shall note in the certificate of registeration the fact that nothing in rule ~~153~~ 136 in regard to and consequent upon the provision requiring that the vehicle shall be driven from the right hand side shall apply to the vehicle."

V. In rule 165 of the said rules, the existing rule 165 shall be numbered as sub-rule (1) and the following sub-rules shallbe added, namely:-

(2) The Provincial Transport Authority,/-169-/ may, by order in writing, direct that until the first day of January 1949 nothing in rule 135 in regard to and consequent upon the provision that the vehicle shall be driven from the right hand side shall apply to a goods vehicle fitted with left hand steering control and obtained through the Disposals Organisation of the Central Government.

(3) Where a registering authority registers a goods vehicle in respect of which, or belonging to a class in respect of which an order under sub-rule (2) has been made he shall ~~make~~ note in the certificate of registration the fact that nothing in rule 165 in regard to and consequent upon the provision requiring that the vehicle shall be driven from the right hand side shall apply to the vehicle."

VI. For rule 166 of the said rules, the following shall be substituted, namely:-

166 Signalling devices:-

(a) Subject to the succeeding sub-rules the signalling device required by section 60 of the Act shall be a direction indicator as prescribed in rule 125 and shall be fitted to both sides of the vehicles."

(b) Notwithstanding anything contained in sub-rule (a), until the 1st day of January 1948, a vehicle other than a transport vehicle obtained through the Disposals Organisation of the Central Government, equipped with

S.A.I.
17-5 /Accepts a mechanical direction indicator

complying with the requirements of rule 125 on the right hand side of the vehicle only.

(c) The Provincial Transport Authority may by order in writing direct that the provisions of sub-rule (b) shall apply to any transport vehicle or class of transport vehicles equipped with electric lighting specified in the order.

(d) Where a registering authority registers a transport vehicle in respect of which or belonging to a class in respect of which, an order under sub-rule (c) has been made he shall note in the certificate of registration the fact that the vehicle may be fitted with a mechanical direction indicator on the right hand side only."

By order, etc.,

Secy. to the Govt. of Bombay,
Home Deptt.

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Notification.

Motor Vehicles Act. 1939.

No. The following draft of a notification which it is proposed to issue under sections 68,70 and 91 of the Motor Vehicles Act, 1939 (IV of 1939), is published as required by sub-section (1) of section 13 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the aforesaid period will be considered by Government.

Draft Notification.

In exercise of the powers conferred by sections 68,70 and 91 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

In the said Rules,-

(1) in sub-rule (4) of rule 53, the portion beginning with the words "No person" and ending with the words "such person and" shall be deleted.

(2) in rule 56,-

(a) clause (ii) of sub-rule (2) and shall be deleted;

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(b) after sub-rule (4) the following new sub-rules shall be inserted, namely:-

"(4A) No public service vehicle shall carry more than one person by the side of the driver's seat and no such person shall be carried unless there is a separate and proper sitting accommodation provided for him by the side of the driver's seat.

(4B) No public service service vehicle shall be so constructed as to provide for sitting accommodation for more than one person by the side of the driver's seat."

(c) After sub-rule (5) the following new sub-rules shall be inserted, namely:-

(6) "The Provincial Transport Authority may by order in writing, direct that until the first day of January 1949, nothing in this rule in regard to and consequent upon the provision requiring that the vehicle shall be driven from the right hand side shall apply to a public service vehicle or a specified class of public service vehicles fitted with left hand steering control and obtained through the Disposals Organisation of the Central Government.

(7) Where a registering authority registers a public service vehicle in respect of which, or belong-ing to a class in respect of which an order under sub-rule (6) has been made, he shall note in the certificate of registration the fact that nothing in rule 136 in regard to and consequent upon the provision requiring that the vehicle shall be driven from the right hand side shall apply to the vehicle."

(3) the existing rule 165 shall be renumbered as sub-rule (1) of that rule and after sub-rule (1) as so renumbered the following new sub-rules shall be inserted, namely:-

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(2) "The Provincial Transport Authority, may, by order in writing, direct that until the first day of January 1949 nothing in rule 136 in regard to and consequent upon the provision that the vehicle shall be driven from the right hand side shall apply to a goods vehicle fitted with left hand steering control and obtained through the disposals organizations of Central Government."

(3) "Where a registering authority registers a goods vehicle in respect of which, or belonging to a class in respect of which an order under sub-rule (2) has been made, he shall note in the certificate of registration the fact that nothing in rule 136 in regard to and consequent upon the provision requiring that the vehicle shall be driven from the right hand side shall apply to the vehicle".

(4) For rule 166, the following shall be substituted, namely:-

165 "Signalling devices-

(a) Subject to the succeeding sub-rules, the signalling device required by section 60 of the Act shall be direction indicator as prescribed in rule 125 of- and shall be fitted to both sides of the vehicle.

(b) Notwithstanding anything contained in sub-rule (a), until the 1st day of January 1948, a vehicle, other than a transport vehicle, obtained through the Disposals Organisation of the Central Government, equipped with electric lighting may be

fitted with a mechanical direction indicator complying with the requirements of rule 125 ~~non-complying~~ on the right hand side of the vehicle only.

(c) The Provincial Transport Authority may by order in writing direct that the provisions of sub-rule (b) shall apply to any transport vehicle or class of transport vehicles equipped with electric lighting specified in the order.

(d) Where a registering authority registers a transport vehicle in respect of which or belonging to a class in respect of which an order under sub-rule (c) has been made he shall note in the certificate of registration the fact that the vehicle may be fitted with a mechanical direction indicator on the right hand side only".

By order of the Governor of Bombay,

Secretary to Government.

S.A.K.
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office of the [illegible].

A revised draft notification is sent herewith.

It appears from para graph 3 of the Provincial Transport Officer's note at pages 25-29 ante that the intention is to do away with partitions required under rule 136(2)(iii) for enclosing the space reserved for a driver's seat in the case of a public service vehicle and a goods vehicle and to enforce a rule prohibiting the carrying in such vehicles of more than one person by the side of the driver's seat. That intention can be more appropriately carried out by inserting suitable provisions in rule 136 which relates to a driver's seat. The provisions proposed in the Home Department draft rule 93(2) for this purpose in the case of a stage carriage and a goods vehicle have therefore been omitted and suitable provisions are made in rule 136.

3. In the Home Department draft reference has been made to rule 153 in sub-rule (8) proposed to be added to rule 136. Presumably reference is intended to be made to rule 13 itself and therefore the revised sub-rule (7) refers to that rule.

4. Home Department sub-rule (3) of rule 165 refers to the 'class' of goods vehicles in respect of which an order under sub-rule (2) has been made. It is for the consideration of the Home Department whether reference to the 'class' of goods vehicles should be made also be made in sub-rule (2) of rule 165. It is true that in the draft amendment of rule 173 sent by the Government of India there is no reference in sub-rule (2) of rule 173 to the class of goods

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vehicles but it appears that reference to the class of goods vehicles is necessary in view of sub-rule (3) next following which refers to the class of such vehicles.

5. In rule 136 and 165 Home Department has changed the date 1-1-1945 suggested by the Government of India but no such changed has been proposed in new rule 186 . It is presumed that this is deliberate.

Sd/- S.B.Palsikar.

O.C. for Remembrancer of Legal Affairs.

U.B. to L.D., No. 10769 , dated the 10th November 19[illegible]

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The whole object of making this provision is to ensure that the transport vehicle, the permit in respect of which has been suspended, is not driven, used or let out for use in contravention of the provisions of sub-section (1) of section 42 of the Motor Vehicles Act, 1939. If the motor vehicle is towed or removed by any means other than its own power the motor vehicle is not driven or used or let out for use as such motor vehicle. A useful purpose will, therefore, be served by the addition of the proposed words which have been deleted.

Sd/- P.N.Lal

Secretary

Joint Secretary to the Government of India, Department of Legal Affairs.

U.O. to G.J. No. 11537 dated the 2nd December, 1947.

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NOTIFICATION.
HOME DEPARTMENT.
BOMBAY CASTLE; 1947

Motor Vehicles Act 1939.

S. 1215/5. The following draft of a notification which it is proposed to issue under sections 67 and 68 of the Motor vehicles Act, 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notification- notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the said period will be considered by Government:-

DRAFT NOTIFICATION.

In exercise of the powers conferred by sections 67 and 68 of the Motor Vehicles Act 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

(1) In rule 85 of the said rules, after sub-rule (2), the following new sub-rule shall be inserted, namely:-

"(3). (i) A complaint book in the form prescribed by the Regional Transport Authority shall be maintained at such bus stands as may be directed by the Regional Regional Transport Authority and also

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in every stage carriage to enable passengers to record any ligitimate complaints in con ection with the stage carriage service.

(ii) Such complaints shall be written clearly and in an intelligible manner and the complainant shall also clearly and legibly record in the complaint book his full name, address an the date on which such complaint is written .

(iii) The Manager of the stage carriage service or the stage carriage permit holder, as the case may be, shall promptly look into every complaint recorded in the complaint book, remove the cause of the complaint or of its resurrence and submit within a week of the recording of the complaint an explantion to the Regional Transport Authority which granted the permit, together with copy of the complaint stating the action taken by him in connection with the complaint . A copy of the report shall be forwarded by the Manager of the stage carriage service or the stage carriage permit holder, as the case may be, to the complainant.

(iv) The complaint book shall be so securely kept in the stage carriage and at the bus stands as cannot be removed and shall at all times be made available to any passenger desiring to record a complaint or to any officer of the Motor Vehicles Department not below the rank of Assistant Inspector for purposes of inspection."

(2) Sub-rule (15) of rule 85-A of the said rules shall be deleted.

By order of the Governor of Bombay

Secretary to Government.

S.A.K.
18-5 / Govt.

Office of the R.L.A.

The draft Notification at pages 61-63 ante as amended is in order.

Since the intention appears to be to give powers to the Regional Transport Authority to direct at which stands the complaint book shall be maintained, it is not necessary to add 'where arrangement for the purpose exists or can be provided.'

Sd/- S.B.Palekar

for Remembrancer of Legal Affairs.

U.O. to H.D.No. 11559 , dated the 3rd December 1947

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NOTIFICATION.
Home Department.
Bombay Castle, December 1947.

Motor Vehicles Act 1939.

No. 973/4 .-- The following draft of a notification which it is proposed to issue under section 21 of the Motor Vehicles Act, 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the aforesaid period will be considered by Government.

DRAFT NOTIFICATION.

In exercise of the powers conferred by section 21 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

In the said Rules:-

(1) in the proviso to sub-rule (3) of rule 6 for the words "if he is employed in the service of Government for driving a motor vehicle" the following brackets, letters and words shall be substituted namely:-

"(a) if he is employed in the service of Government for driving a motor vehicle; or

(b) if he is an ex-service person, and produces a certificate of proficiency in driving a motor vehicle from an officer in His Majesty's naval, military or air force; or

(c) if he produces proof that he had served in the Indian National Army as an efficient driver".

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(2) to rule 22. the following new clause shall be added namely:-

"(c) for the issue or renewal of a licence to-

(i) an ex-service person holding a certificate of proficiency in driving a motor vehicle from an officer in His Majesty's naval, military or air force, or

(ii) a person who produces proof that he had served in the Indian National Army as an efficient driver".

By order of the Governor of Bombay,

Secretary to the Government of Bombay.
Home Department.

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Office of the H.L.A.

A revised draft notification is sent herewith.

Sd/- S.B.Palekar.

O.O. Remembrancer of Legal Affairs.

U.H. to H.D.No. 11977. dated the 12th December 1947.

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A revised draft notification is sent herewith.

2. It is presumed that when there is an alteration in the vehicle which is once registered, no new registration mark as such is issued. Only a fresh plate is given on payment of cost. The amendment in rule 28(8) has been redrafted accordingly.

3. The intention appears to be that only in cases of the type specified by the Provincial Transport Officer in the draft amendment at page 13, a fee for entering the particulars of the alterations made in a motor vehicle is to be paid. In other cases, even though an alteration is made in a motor vehicle, no such fee is to be paid. If so, sub-rule (3) of rule 34 of the Bombay Motor Vehicles Rules, 1940, requires to be amended by inserting the words 'save as provided in sub-rule (4)' after the word 'or' in the said sub-rule. (3) in order to save other minor types of alteration for which no alteration fee is to be charged.

4. The words 'before a new registration ~~mark~~ mark is assigned' in the proposed sub-rule (') of rule 34 ~~of Rule~~ occuring in the H.D.'s draft are misleading. A new registration mark is assigned only under section 29 and not when a motor vehicle is altered.

5. It is not necessary to provide that the fees or the difference of fees paid under rule 34 shall not be refunded. The provision in the H.D. draft to that effect has therefore, been omitted.

Sd/- H.D.Polekar.

for Secretary to Government of Legal Affairs.

U.R. to H.D. No. 457, dated the 29th December 1947.

G.A.K.
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Home Department.
Bombay Castle, December, 1947.

Motor Vehicles Act 1939

No. 1600/5.- The following draft of a notification which it is proposed to issue under section 41 of the Motor Vehicles Act, 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the aforesaid period will be considered by Government.

Draft Notification.

In exercise of the powers conferred by section 41 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

In the said Rules - -

(i) to sub-rule (2) of rule 38, the following shall be added, namely:-

" or when a new plate is found necessary as a result of alteration in the vehicle",

(ii) in sub-rule (3) of rule 34, after the word "or" the words, brackets and letter

" save as provided in sub-rule (4)" shall be inserted;

(iii) after sub-rule (3) of rule 34, the following new sub-rule shall be added, namely:-

"(4) If, after its registration, a motor vehicle is so altered as to be liable under sub-rule (1) to a registration fee higher than that which has been paid in respect of such vehicle, a fee equal in amount of the difference between such higher fee and that already paid shall be charged in order that particulars of the alteration may be entered in the certificate of registration of such vehicle."

By order of the Governor of Bombay

Secretary to Government.

Office of the R.L.A.

A revised draft notification is sent herewith.

Sd/- S.B.Falaker.

D.O. for Remembrancer of Legal Affairs.

U.O. to N.D. No. 79. dated the 5th Jan. 1943.

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NOTIFICATION.
Home Department.
Bombay Castle. January. 1946.

Motor Vehicles.
Act. 1939.

No. 3023/5.- The following draft of a notification which it is proposed to issue under section 41 of the Motor Vehicles Act. 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft within the aforesaid period will be considered by Government.

DRAFT NOTIFICATION.

In exercise of the powers conferred by section 41 of the Motor Vehicles Act. 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

After sub-rule (5) of rule 43 of the said rules, the following new sub-rule shall be inserted, namely:-

"(5A) (A) If at any time a trade certificate is lost or destroyed, its holder shall forthwith intimate the fact in writing to the registering authority by whom the certificate was issued and may apply to the said authority for a duplicate certificate. Such application shall be accompanied by a fee of one rupee.

(b) Upon receipt of the application and the prescribed fee the registering authority may issue a duplicate trade certificate to replace the certificate lost or destroyed, as the case may be. The duplicate certificate shall be stamped "Duplicate" in red ink.

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(c) If the trade certificate, the loss or destruction of which has been reported under this sub-rule is traced later on it shall be surrendered forthwith to the nearest police station or to the registering authority by whom it was issued. No refund shall be granted for the trade certificate so replaced.".

By order of the Governor of Bombay,

Secretary to Government.

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NOTIFICATION
Home Department.
Bombay castle , 194?

Motor Vehicles Act,1939.

No. 631/51.- The following draft of a notification which it is proposed to ~~[illegible]~~ issue under section 68 read with sub-section (5) of section 44 of the Motor Vehicles Act, 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of a period of one month from the date of its publication in the Bombay Government Gazette.

2 Any objections or suggestions which may be ~~[illegible]~~ received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft before the expiry of the aforesaid period will be considered by Government.:-

DRAFT NOTIFICATION.

In exercise of the powers conferred by section 68 read with sub-section (5) of section 44 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

After rule 48 of the said rules, the following new rule shall be inserted, namely:-

"48 A. A Regional Transport Authority may by general or special resolution recorded in its proceedings and subject to the restrictions, limitations and conditions specified below, delegate to its Secretary all or any of its following powers, namely:-

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(i) Power to regulate timings of arrival or departure of stage carriages under clause(c) and to attach to a stage carriage permit conditions under clause (d) of section 48 of the Act ;

(ii) powers under sections 42 and 50 to grant or refuse a contract carriage permit in cases where no representations are received and power under clause (c) of section 51 of the Act to impose conditions on the use of a contract carriage;

(iii) powers under sections 42 and 53 of the Act to grant or refuse a private carrier's permit and power to impose conditions subject to general or special orders of the Provincial Transport Authority in this behalf;

(iv) powers to renew private carrier's permits and contract carriage permits under section 58 of the Act.;

(v) power under sub-section (2) of section 59 of the Act to permit the replacement of one vehicle by another;

(vi) power under sections 16 and 60 of the Act to suspend an authorization to drive public service vehicles and to suspend a permit, respectively;

(vii) power under section 62 and under sub-section (4) of section 63 of the Act to grant temporary permit:

Provided that the Secretary shall —

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(i) keep informed the Regional Transport Authority from time to time of the action taken by him in pursuance of the power delegated; and

(ii) arrange to paste on a notice board on the premises of the office of the Regional Transport Authority a copy of every resolution of the said Authority delegating its power to him.

(2) Notwithstanding anything contained in this rule a Regional Transport Authority may, from time to time, issue instructions to the Secretary as to the manner in which he shall exercise the powers delegated to him.

By order of the Governor of Bombay,

Secretary to Government.

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Office of the R.L.A.

A revised draft notification is sent herewith.

2. Under sub-section (5) of section 44 of the Motor Vehicles Act, 1939, it is necessary to specify in the rule itself the authority or person to whom powers and functions are to be delegated. The provision in the new rule 43A that the Regional Transport Authority may delegate its powers to any other officer approved by the Provincial Government is not therefore in order and has been omitted. The delegation of powers and functions in this case is a statutory delegation and therefore the person to whom the powers are delegated is himself responsible for all acts done by him in pursuance of such delegation. It is not therefore legally feasible to provide that the authority which has delegated the powers to the Secretary is responsible for his acts. The provision in sub-rule (4) of H.D. ~~xxx~~ draft of rule 43A has therefore been omitted.

Sd/-P.M.Lad
23-12

O.O. Remembrancer of Legal Affairs.

U.R. to H.D. No. 13361, dated the 24th December 1947.

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Office of the L.A.

A revised draft notification is sent herewith. It is presumed that the Authority issuing a direction under rule 52B will specify the fares to be chargeable by a permit holder plying his stage carriages on the ne routes indicated by the Authority .

Sd/- S.T.Palshar.

O.C. Remembrancer of Legal Affairs.

for

U.O. No H.D.Sc. 1342J. dated the 20th December 1947.

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NOTIFICATION.

Home Department.
Bombay Castle. 1947

Motor Vehicles Act, 1939.

No. 1257/5. -The following draft of a notification which it is proposed to issue under sections 45 and68 of the Motor Vehicles Act, 1939 (IV of 1939), is published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of one month from the date of its publication in the Bombay Government Gazette.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect tot the said draft before the expiry of the aforesaid period will be considered by Government.

DRAFT NOTIFICATION.

In exercise of the powers conferred by sections 45 and 68 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Bombay is pleased to amend the Bombay Motor Vehicles Rules, 1940, as follows, namely:-

After rule 58-A of the said Rules, the following new rule shall be inserted, namely:-

"58-B Stage carriage to ply on route other than those specified in permit under certain circumstances.-

A holder of a permit granted in respect of a stage carriage shall, if so directed by the authority granting the permit use a stage carriage on such route or in such area in the region and other than that specified in such permit, during such period, at such timings and at such fares as may be specified in the direction."

By order of the Governor of Bombay,

Secretary to Government.

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